

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALLEN PAPOUBAN, : Case No. 1:19-cv-10805-LAK
Plaintiff, :
vs. : **NOTICE OF VOLUNTARY
DISMISSAL**
RA PHARMACEUTICALS, INC., EDWARD :
T. MATHERS, ROBERT HEFT, TIMOTHY :
R. PEARSON, RAJEEV SHAH, AOIFE M. :
BRENNAN, ALEXANDER CUMBO, and :
DOUGLAS A. TRECO, :
Defendants. :
:

Notice is hereby given that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff Allen Papouban (“Plaintiff”) voluntarily dismisses the above-titled action (the “Action”).

WHEREAS, on November 21, 2019, Plaintiff filed a complaint asserting federal securities claims under Sections 14(a) and 20(a) of the Securities Exchange Act of 1934 and Securities and Exchange Commission Rule 14a-9 (the “Complaint”) against Defendants Ra Pharmaceuticals, Inc. (“Ra”), Edward T. Mathers, Robert Heft, Timothy R. Pearson, Rajeev Shah, Aoife M. Brennan, Alexander Cumbo and Douglas A. Treco (the “Individual Defendants,” collectively with Ra, the “Defendants,” and Defendants, together with Plaintiff, the “Parties”);

WHEREAS, the Complaint challenges the disclosures in the Schedule 14A Definitive Proxy Statement filed with the Securities and Exchange Commission (the “SEC”) on November 15, 2019, in connection with the proposed merger of Ra and UCB S.A. (the “Proposed Transaction”);

WHEREAS, on December 6, 2019, Ra filed Form DEFA14A with the SEC that contained certain additional information that addressed and mooted many of the claims set forth in the Complaint (“Supplemental Disclosures”);

WHEREAS, shareholders of Ra voted to approve the Proposed Transaction on December 17, 2019 (the “Shareholder Vote”);

WHEREAS, following the Shareholder Vote, the Parties met and conferred numerous times concerning, among other things, certain claims set forth in the Complaint;

WHEREAS, on January 27, 2020 the Court entered a Stipulation and Order to Extend Deadline to Respond to the Complaint, which extended Defendants’ deadline to respond to the Complaint to sixty days after Plaintiff either files an amended complaint or designates the current Complaint as operative;

WHEREAS, at Plaintiff’s request, Defendants provided Plaintiff with confidential, non-public information to assist Plaintiff in evaluating claims alleged in his Complaint;

NOW, THEREFORE, in light of the Supplemental Disclosures and following an evaluation of the information provided by Defendants, Plaintiff voluntarily dismisses the claims in the Action without prejudice. Because this notice of dismissal is being filed with the Court before service by Defendants of either an answer or a motion for summary judgment, Plaintiff’s dismissal of the Action is effective upon the filing of this notice.

Dated: February 21, 2020

WEISSLAW LLP

By



Richard A. Acocelli
1500 Broadway, 16th Floor
New York, NY 10036
Telephone: (212) 682-3025
Fax: (212) 682-3010
Email: racocelli@weisslawllp.com

Attorneys for Plaintiff